



# Town of Groton, Connecticut

45 Fort Hill Road  
Groton, CT 06340-4394  
Town Clerk 860-441-6640  
Town Manager  
860-441-6630

## Meeting Minutes

### Town Council

**Mayor James L. Streeter, Councilors Bruce S. Flax, Bill Johnson, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Deborah L. Peruzzotti, Paulann H. Sheets, and Harry A. Watson**

**Tuesday, July 5, 2011**

**7:30 PM**

**Town Hall Annex - Community Room 1**

#### REGULAR MEETING

#### I. ROLL CALL

*The meeting was called to order at 7:32 p.m. by Mayor Streeter.*

Members Present: Mayor Streeter, Councilor Johnson, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Watson

Members Absent: Councilor Flax and Councilor Peruzzotti

*Also present were Town Manager Mark Oefinger, Director of Public Works Gary Schneider, Town Clerk Betsy Moukawsher and Office Assistant Lori Watrous.*

#### II. SALUTE TO THE FLAG

*The Salute to the Flag was led by Chuck Potter.*

#### III. RECOGNITION, AWARDS & MEMORIALS

##### **2011-0129 Proclamation Recognizing Jonathan Michael Shaffer**

**Read**

*The proclamation was read by Councilor Watson.*

##### **2011-0141 Proclamation Honoring Police Chief Kelly M. Fogg**

**Read**

*The proclamation was read by Councilor Monteiro.*

##### **2011-0144 Proclamation Honoring John P. Silsby**

**Read**

*The proclamation was read by Councilor Kolnaski.*

#### **PUBLIC HEARING:**

##### **2011-0146 Public Hearing on Ordinance for Water Pollution Control Facility Improvements**

PUBLIC HEARING ON AN ORDINANCE APPROPRIATING \$2,700,000 FOR IMPROVEMENTS TO THE WATER POLLUTION CONTROL FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OBLIGATIONS IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000) is appropriated for improvements to the Water Pollution Control Facility, contemplated to include: (a) upgrades to the Effluent Pump Station including the replacement of pumps, piping and valves, the installation of variable frequency drives for electrical efficiency and system reliability, electrical equipment replacements, new instrumentation and controls, and incorporation of the station into the Water Pollution Control Facility's SCADA system; (b) rehabilitation of Secondary Clarifier No. 2 including removal and replacement of the existing clarifier equipment, upgrades to the existing electrical interconnections with the Water Pollution

Control Facility's SCADA control system, and related structural and site work; (c) upgrades to the Gravity Thickeners including removal and replacement of the existing steel thickening mechanism and superstructure, replacement of the major gear drive unit, repair of deteriorating concrete, upgrades to the existing electrical equipment and connections, modifications to the Water Pollution Control Facility's SCADA system, and related structural and site work; and (d) related work and improvements. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified. The appropriation may be spent for design, construction, acquisition and installation costs, equipment, materials, site improvements, engineering fees, management costs, inspection costs, printing costs, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing.

Section 2. That the Town issue bonds or notes or obligations in an amount not to exceed TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000) to finance the appropriation for the project. The amount of bonds or notes or obligations authorized to be issued shall be reduced by the amount of grants received by the Town for the project. The bonds or notes or obligations shall be issued pursuant to Section 7-259 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes or obligations and all notes and interim funding obligations issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes or obligations that in each year while any such bonds or notes or obligations are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town, other than properties within the City of Groton, in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes or obligations as the same become due and payable.

Section 3. That the Town issue and renew temporary notes or interim funding obligations from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes or obligations and the receipt of grants for the project. The amount of the notes or obligations outstanding at any time shall not exceed TWO MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$2,700,000). The notes or obligations shall be issued pursuant to Section 7-264 and 7-378 or Sections 22a-475 to 22a-483 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Sections 7-378a and 7-378b of the General Statutes with respect to any notes that do not mature within the time permitted by said Sections 7-264 or 7-378, and the Town shall comply with the provisions of Section 22a-479(c) with respect to any obligations.

Section 4. That the Town Council shall determine the amount of bonds, notes or obligations authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes or interim funding obligations authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes or obligations by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes or obligations. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes or obligations; to provide for the keeping of a record of the bonds or notes or obligations; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes or obligations; to designate a financial advisor to the Town in connection with the sale of the bonds or notes or obligations; to sell the bonds or notes or obligations at public or private sale; to deliver the bonds or notes or obligations; and to perform all other acts which are necessary or appropriate to issue the bonds or notes or obligations.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes or obligations authorized by this resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes or obligations to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes or obligations.

Section 7. That the Town Manager, on behalf of the Town, is authorized to apply for and accept state grants to finance the project and state loans to finance the project, and to enter into any grant or loan agreement prescribed by the State. The Town Manager, the Director of Finance and the Water Pollution Control Authority are authorized to take any other actions necessary to obtain such grants or loans pursuant to Section 22a-479 of the Connecticut General Statutes, Revision of 1958, as amended, or to any other present or future legislation, or to implement such grant or loan agreements.

Section 8. That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any easement acquisition costs incurred for the sewer project; and to contract with engineers, contractors and others on behalf of the Town for said sewer project. All such authority is subject to the provisions of Section 1.

Section 9. That the Town Manager, the Director of Finance, the Water Pollution Control Authority and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes or obligations to finance the aforesaid appropriation.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes and obligations to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

**Heard at Public Hearing**

*Mayor Streeter called a recess for the Public Hearing at 7:40 p.m.*

*The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Town Clerk Betsy Moukawsher.*

*Director of Public Works Gary Schneider gave a brief overview of the project, stating that the project includes upgrades to the effluent pump station, a secondary clarifier, and the gravity thickeners. Mr. Schneider noted that this equipment is well past its life expectancy and fines will be incurred if there is a breakdown.*

*The Town Manager stated that he has received an affirmative response to the CGS 8-24 referral to*

*the Planning Commission for this project.*

*The Town Manager remarked that the bonding attorney has been advised by the Department of Environmental Protection (DEP) of three additional requirements. The referendum must be held by September 13, 2011; the project must go out to bid before the referendum; and the application must be submitted to DEP by September 30, 2011. The Town Manager is concerned by the second additional requirement, but encouraged Councilors to continue forward, noting that the referendum process can be stopped at any time.*

*There being no further comments, Mayor Streeter closed the Public Hearing at 7:51 p.m.*

#### **IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*Donald Wood, 298 Meridian Street, stated that the library has a table and bulletin board for literature and brochures. He was told that since his business is not a non-profit organization he could not leave his business card there. Mr. Wood is concerned about the fairness of the situation because he noticed a brochure for the Essex Steam Train, which is also not a non-profit organization.*

#### **V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS**

*In response to Councilor Sheets, the Town Manager stated that he will find out what the policy and past practice has been regarding the Library bulletin board.*

#### **VI. CONSENT CALENDAR**

##### **a. Approval of Minutes**

##### **2011-0145 Approval of Minutes (Town Council)**

##### **RESOLUTION ACCEPTING TOWN COUNCIL MINUTES**

RESOLVED, that the minutes of the Town Council meeting of June 21, 2011 are hereby accepted and approved.

**This Matter was Adopted on the Consent Calendar.**

##### **b. Administrative Items**

##### **2011-0142 Special Trust Fund Contributions**

##### **RESOLUTION ACCEPTING SPECIAL TRUST FUND CONTRIBUTIONS**

RESOLVED, that the Town Council hereby accepts contributions to the Town as follows:

GASP - \$846.25 - Animal Shelter Miscellaneous

Trillium Garden Club - \$400.00 - Library Discretionary

**This Matter was Adopted on the Consent Calendar.**

##### **Passed The Consent Calendar**

**A motion was made by Councilor Watson, seconded by Councilor Kolnaski, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.**

**The motion carried unanimously**

#### **VII. COMMUNICATION REPORTS (Other than Committee Reports)**

##### **a. Town Councilors**

*Councilors received a letter regarding the cost of beach passes at Eastern Point Beach. Mayor Streeter noted that Eastern Point Beach is a City beach, and the Town does not have control over its fees.*

*Councilor Kolnaski, Councilor O'Beirne, Councilor Johnson, Councilor Watson, Mayor Streeter and the Town Clerk participated in the 4th of July Parade.*

*Councilor Kolnaski, Councilor Monteiro, Councilor Johnson, and Mayor Streeter attended the retirement celebration for Police Chief Kelly Fogg.*

*Councilor Kolnaski and Mayor Streeter attended the retirement celebration for Director of Parks and Recreation John Silsby.*

*Councilor Kolnaski attended the Permanent School Building Committee meeting.*

*Councilor Johnson attended a Sister Cities International meeting and two Mystic Schooner collegiate baseball games. He noted that the owner of Al Kebab will host a cooking demonstration at the Groton Library on July 6, 2011.*

*Councilor Watson represented the Town at the Fitch Senior High School graduation and the open house for the new Ledge Light Health District offices.*

*Mayor Streeter received an email regarding the disposition of Noank School. He attended opening day for the Mystic Schooners collegiate baseball team, an Eagle Scout ceremony for Jonathan Shaffer, the Lighthouse Centennial celebration, and the removal of the flag pole in Mystic.*

**b. Clerk of the Representative Town Meeting**

*The Town Clerk stated that the next RTM meeting will be on July 13, 2011, at the Senior Center.*

**c. Clerk of the Council**

*The Town Clerk stated that there will be a special election on August 16, 2011, to elect a Regional Judge of Probate. She noted that absentee ballots will be available July 19, 2011.*

**d. Town Manager**

*The Town Manager noted that there will be a Committee of the Whole meeting, a Group II meeting, and a Groton Resource Recovery Authority (GRRRA) meeting next week. He remarked that the Mystic Flag Committee will be fund-raising to collect \$25,000 for repairs to the Mystic flag pole. The Town Manager stated that the Town received its 17th consecutive Comprehensive Annual Financial Report (CAFR) award. He noted that Councilors will receive a copy of the adopted budget as soon as it is received from the printer.*

**e. Town Attorney**

*No report.*

**VIII. COMMITTEE REPORTS**

**a. Community & Cultural Development - Chairman Peruzzotti**

*No meeting, no report.*

**b. Economic Development - Chairman Johnson**

*No meeting, no report.*

**c. Education/Health & Social Services - Chairman Kolnaski**

*No meeting, no report.*

**d. Environment/Energy - Chairman Sheets**

*No meeting, no report.*

**e. Finance - Chairman O'Beirne**

*No meeting, no report.*

**f. Personnel/Appointments/Rules - Chairman Flax**

*No meeting, no report.*

**g. Public Safety - Chairman Monteiro**

*No meeting, no report.*

**h. Public Works/Recreation - Chairman Watson**

*No meeting, no report.*

**i. Committee of the Whole - Mayor Streeter**

*No meeting, no report.*

**IX. UNFINISHED BUSINESS**

*None.*

**X. NEW BUSINESS**

**Recess for Special Meeting of the Committee of the Whole to Consider Ordinance on Water Pollution Control Facility Improvements**

*A motion to recess for a Special Meeting of the Committee of the Whole to consider an Ordinance on Water Pollution Control Facility Improvements was made at 8:16 p.m. by Mayor Streeter, seconded by Councilor Sheets and so voted unanimously.*

*The Town Council meeting resumed at 8:22 p.m.*

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**2011-0154 Adoption of Ordinance for Water Pollution Control Facility Improvements**

ADOPTION OF AN ORDINANCE APPROPRIATING \$2,700,000 FOR IMPROVEMENTS TO THE WATER POLLUTION CONTROL FACILITY AND AUTHORIZING THE ISSUE OF BONDS, NOTES AND OBLIGATIONS IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

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bonds or notes or obligations shall be secured by the irrevocable pledge of the full faith and credit of the Town of Groton. The Town does hereby covenant and agree with the holders of the bonds or notes or obligations and all notes and interim funding obligations issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes or obligations that in each year while any such bonds or notes or obligations are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town, other than properties within the City of Groton, in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes or obligations as the same become due and payable.

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Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 that project costs may be paid from temporary advances of available funds and that (except to the extent reimbursed from grant moneys) the Town reasonably expects to reimburse any such advances from the proceeds of borrowings in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes or obligations authorized by this resolution if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

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Section 8. That the Water Pollution Control Authority is authorized to construct the sewer project; to approve design and construction expenditures and any easement acquisition costs incurred for the sewer project; and to contract with engineers, contractors and others on behalf of the Town for said sewer project. All such authority is subject to the provisions of Section 1.

Section 9. That the Town Manager, the Director of Finance, the Water Pollution Control Authority and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes or obligations to finance the aforesaid appropriation.

Section 10. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes and obligations to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Refer to RTM under Rule 6.5.3

**A motion was made by Councilor Watson, seconded by Councilor Monteiro, that this matter be Adopted and referred under Rule 6.5.3 to the Representative Town Meeting, due back on July 13, 2011.**

**The motion carried by the following vote:**

**Votes:** In Favor: 7 - Mayor Streeter, Councilor Johnson, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr., Councilor Sheets and Councilor Watson

## **XI. OTHER BUSINESS**

*None.*

## **XII. ADJOURNMENT**

*A motion to adjourn at 8:23 p.m. was made by Councilor Kolnaski, seconded by Councilor Watson and so voted unanimously.*

*Attest:*

*Betsy Moukawsher, Town Clerk  
Clerk of the Council*

*Lori Watrous, Office Assistant*